

No.3030-A.S.O.-II-Lab-69/12825.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Accurex Optica Industries, Jagadhri :—

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD
Reference No. 64 of 1968

between

The workmen and the management of M/s Accurex Optica Industries, Jagadhri.

Present.—Shri Raghbir Singh, for the workmen.
Shri S.S. Sarup, for the management.

AWARD

The claimants Sarvshri Rajinder Kumar, Shamsher Singh, Pishori Lal, Suresh Parkash, Tara Chand, Prem Chand, Piarey Lal, Jasbir Singh, Phool Singh, Mewa Ram, Harbans Lal, Kailash Chand are in the service of M/s Accurex Optica Industries, Jagadhri. It appears that there was some dispute between the claimants and the management and they did not work from 20th May, 1968 to 23rd May, 1968. The version of the claimants is that the management did not permit them to work after half time from 20th May, 1968 and accordingly on 21st May, 1968, their union served a demand notice on the management intimating to them that the termination of their services from 20th May, 1968 (after half time) was *mala fide*, illegal and unjustified. The management on the other hand maintained that the claimants of their own accord struck work on 20th May, 1968 (after half time) and they did not resume work although they were called upon to do so again and again and the assumed work only on 24th May, 1968. Naturally the management did not pay any wages to the claimants for the days they did not work and this gave rise to an industrial dispute. The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Court for adjudication.—*vide* Government Gazette Notification No. ID/UMB/11A-68/19297, dated 17th July, 1968 :—

Whether the following workmen are entitled to be paid wages for the period of their forced unemployment (i.e., from 20th May, 1968 to 23rd May, 1968)? If so, with what details :—

1. Shri Rajinder Kumar.	7. Shri Piarey Lal.
2. Shri Shamsher Singh.	8. Shri Jasbir Singh.
3. Shri Pishori Lal.	9. Shri Phool Singh.
4. Shri Suresh Parkash.	10. Shri Mewa Ram.
5. Shri Tara Chand.	11. Shri Harbans Lal.
6. Shri Prem Chand.	12. Shri Kailash Chand.

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workmen and the management filed their written statement. On behalf of the management a preliminary objection has been taken that the workmen in their demand notice simply alleged that the termination of their services with effect from 20th May, 1968, afternoon, was wrongful and they desired reinstatement. They never claimed wages for 3½ days, i.e., for the period they did not work and therefore the Government had no jurisdiction to refer the dispute with regard to the non-payment of the ir wages and the order of reference is not valid. On merits the parties reiterated their respective stands and the pleadings of the parties gave rise to the following issues :—

- (1) Whether the reference to this Court with regard to the non-payment of 3½ days wages is not valid reference because the workmen never raised an industrial dispute for this relief ?
- (2) Whether the management kept the claimants unemployed from 20th May, 1968 to 23rd May, 1968 ?
- (3) Whether the workmen were on illegal strike during the aforesaid period and they did not work of their own accord ?

The parties have produced evidence in support of their respective allegations. I have heard their learned representative and have carefully gone through the record. My findings are as under :—

Issue No. 1.—It is true that the workmen did not specifically claimed 3½ days wages in their notice of demand but it does not mean that the reference is not valid simply on this ground. It is common ground that the claimant did not work from 20th May, 1968 (after half time) and a notice of demand was given by them on the very next day, i.e., 21st May, 1968, complaining that they were not being allowed to work. If their version was correct, it can not be said that the workmen were not justified when they complained that their services were wrongfully terminated. It may be that they were permitted to resume work on 24th May, 1968, onwards and for this reason the only dispute which now remains unresolved between the parties is with regard to the wages for the period the workmen did not actually work and the Government did not do any thing wrong if they referred the dispute to the Court for adjudication. In my opinion therefore there is no force in the preliminary objection raised on behalf of the management that the order of reference is not valid. I find this issue in favour of the workmen.

Issues No. 2 and 3.—These issues can be conveniently discussed together. As already observed, it is a common ground that the claimant did not work from 20th May, 1968 (after half time) to 23rd May, 1968 and the only question for determination is whether the claimants were on strike during this period and voluntarily did not do any work or whether the management did not permit them to work during this period.

The management have produced 4 witnesses in support of their case, namely, Sarvshri Manbahadur, Chowkidar, M.W.1, Chaman Lal, Helper, M.W.2, Raj Kumar, Typist, M.W.3 and Sh. S.S. Sarup, Accountant, M.W.4. All these witnesses support the contention of the management that the claimants went on strike on 20th May, 1968 (after half time) of their own accord and did not report for duty till the forenoon of 24th May, 1968. In order to corroborate the stand of the management that they did not refuse to give duty to the claimants Shri Sarup, M.W. 4, has also filed copies of the letters which were sent to the workmen calling upon them to come and resume their duties. The copies are Ex. M.W. 4/5 to Ex. M.W. 4/7, Ex. M.W. 4/9 to Ex. M.W. 4/11, Ex. M.W. 4/13, Ex. M.W. 4/14, Ex. M.W. 4/16 to Ex. M.W. 4/18. Postal receipts under which these letters were sent have also been filed. It is however surprising that no witness on behalf of the management has explained as to why without any rhyme or reason the workmen struck work. All of them were asked in cross-examination. If they could give any reason as to why the claimants went on strike. They stated that they were not aware of the reasons. It appears to me that to this extent these witnesses are suppressing the truth. The workmen acting in concert normally do not go on strike

without any reason. It is a different matter that the reason for which the workmen go on strike may not be correct, but the workmen do have some real or supposed grievances on account of which they go on strike and it is not possible to believe that no body on the side of the management even knew the alleged grievances on account of which the workmen went on strike because if the workmen did not even express their grievances on account of which they had gone on strike then the very purpose of going on strike would have been frustrated.

The evidence of the claimants is more satisfactory. Sarvshri Tara Chand W.W. 1 and Shamsher Singh W.W. 2 claimants have appeared as witness in support of their case and have stated that the management turned them out and did not permit them to resume work after lunch on 20th May, 1968 because they had gone in body to the Manager and complained to him that the services of Shri Rajinder Kumar had been terminated without any fault on his part upon which the Manager became annoyed and abused them and turned them out. The claimants say that they immediately telephoned the Labour Inspector who interceded on their behalf and told the management that the workmen should be permitted to resume the work and on his asking they went to the factory but the management did not allow them to enter the factory and next day they again went to the factory but with no success and so they had no other alternative but to give the demand notice.

It is urged on behalf of the management that all the claimants have not even cared to come into the witness box in support of their case that they were not permitted by the management to work from 20th May, 1968 to 23rd May, 1968 and even the representative of their union has not come forward in support of their version. It is further submitted that from the evidence of the two claimants Sarvshri Tara Chand and Shamsher Singh, it is clear that they were aggrieved by reason of the alleged termination of the services of Shri Rajinder Kumar and this corroborates the version of the management that they themselves did not attend to their duties in protest although they were called upon to do so in writing as well as verbally and they did not listen to the management and for this reason they are not entitled to any wages from 20th May, 1968 to 23rd May, 1968.

In my opinion the submission of the learned representative of the management is not correct. As already observed no witness on behalf of the management has explained as to what were the supposed grievances of the claimants on account of which they struck work. The learned representative of the management has tried to pick out the supposed grievance of the workmen from the statement of the two claimants who have appeared in Court as witnesses. This means that the management accept a part of the statement of these witnesses as correct but reject the other part of their statement that the Manager abused them when they approached him in a body and he did not permit them to resume work. It is not possible to pick and choose from the statements of the witnesses of the opposite party in this manner. It is not even suggested on behalf of the management that they did not terminate the services of Shri Rajinder Kumar on account of which his co-workers were aggrieved. It is, therefore, clear that the witnesses who have appeared on behalf of the management have not spoken the whole truth and it is not possible to rely upon their evidence when they say that without any rhyme and reason the claimants struck work after lunch on 20th May, 1968 and then without any reason they of their own accord resumed work on the forenoon of 24th May, 1968. In my opinion the version of the workmen appears to be correct that they were not allowed by the management to work from 20th May, 1968 afternoon to 23rd May, 1968 and therefore they are entitled to their wages for this period. I give my award accordingly. No order as to cost.

(P.N. THUKRAL),
Presiding Officer,
Labour Court, Faridabad.

The 16th May, 1969

No. 2285 dated the 19th May, 1969

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

(P.N. THUKRAL),
Presiding Officer,
Labour Court, Faridabad.

The 16th May, 1969

R.I.N. AHOOJA, Secy.

LABOUR AND EMPLOYMENT DEPARTMENT

The 23rd May, 1969

No. 3068-3Lab-69/1109.—In exercise of the powers conferred by section 28 of the Punjab Shops and Commercial Establishments Act, 1958 (Punjab Act 15 of 1958), the Governor of Haryana is pleased to exempt all establishments in Chechrauli from the operation of the provisions of Section 9 of the said Act on "Peeth Day" i.e. every Friday for a period up to 31st December, 1969.

The 24th May, 1969

No. 2740-4Lab-69/12138.—The Governor of Haryana is pleased to make the following appointments and postings on a purely temporary basis :—

S. No.	Name of the Officer	Appointed and posted to	With effect from	REMARKS
1	Shri Charan Dass	Assistant Employment Officer, District Employment Exchange, Narnaul	28th April, 1969 (forenoon)	Against an existing vacancy.

1	2	3	4	5
2	Miss Ved Kumari	Assistant Employment Officer, Sub-Regional Employment Exchange, Rohtak	1st May, 1969 (forenoon)	Against an existing vacancy
3	Shri Dharam Singh Yadav	Assistant Employment Officer, Sub-Regional Employment Exchange, Faridabad	Ditto	Ditto
4	Shri Mohinder Nath Khurana	Assistant Employment Officer, District Employment Exchange, Ambala Cantt	Ditto	Ditto

The 6th June, 1969

No. 3020-2Lab-69/13078.—The Governor of Haryana is pleased to make the following appointment and posting on a purely temporary basis :—

Serial No.	Name of the Officer	Appointed and posted to	With effect from	Remarks
1	Sh. M. L. Mittal	District Employment Officer, District Employment Exchange, Sirsa	8th May, 1969	Against a vacant post.

R. I. N. AHOOJA, Secy.

PUBLIC WORKS DEPARTMENT
PUBLIC HEALTH BRANCH
The 3rd June, 1969

Executive Engineer, Project, Public Health Division, Faridabad to form Construction Public Health Division, Faridabad and to assume charge of the new division with effect from the 1st April, 1969 in addition to his own duties, till further orders.

No. 3075-PWIII(ASO2)-69/15034.—The Governor of Haryana is pleased to direct Shri A. N. Mehendale,

BUILDING AND ROADS BRANCH

The 5th June, 1969

No. 2977-PWIII(3)-69/15253.—Shri M.G. Uppal, P.S.E. I, on promotion assumed charge as officiating Superintending Engineer, Hissar Circle, Hissar, in the afternoon of 19th April, 1969.

R.I.N. AHOOJA, Secy.

The 28th May, 1969

No. SE/Ambala/PWD/B&R/90-R.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government, at the public expense, for a public purpose, namely, for constructing H. L. Bridge over Ambri Choe on Ambala-Jagadhri Road, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in undertaking with their servants and workmen, to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has objection to the acquisition of any land in the locality may within thirty days of the publication of this notification file an objection in writing before the Land Acquisition Collector, Haryana, PWD, B&R Branch, Ambala Cantt.

Name of district	Name of tehsil	Name of village	Area in acres	REMARKS
1	2	3	4	5
Ambala	Ambala	Manglai	0.29	

(Sd.) . . .

Superintending Engineer,

Ambala Circle.

Gurgaon Circle, P.W.D., B. & R. Branch

The 31st May, 1969

No. 28GA/23/153.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government, at the public expens, for a public purpose, namely, for constructing a link road from Gurgaon Byepass to Old Gurgaon-Manesar Road in Gurgaon District. It is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

The notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within thirty days of the publication of this notification file an objection in writing before the Land Acquisition Collector, P. W. D., B. & R., Ambala.

Name of District	Name of Tehsil	Name of Village	Area in acres	REMARKS
Gurgaon	Gurgaon	Naharpur	1.15	As demarcated at site

The 2nd June, 1969

No. 28R(a)/100/154-R.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government, at the public expense, for a public purpose, namely, for constructing an approach road from Dubaldhan to Sewana in Rohtak District. It is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

The notification is made under the provisions of section IV of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in undertaking with their servants and workmen, to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within thirty days of the publication of this notification file an objection in writing before the Land Acquisition Collector, P.W.D., B. and R., Branch, Ambala.

Name of District	Name of Tehsil	Name of village	Area in acres	REMARKS
Rohtak	Jhajjar	Dubaldhan	13.72	As demarcated at site.
Rohtak	Jhajjar	Sewana	1.10	
			14.82	

No. 28R(a)/99/155-R.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government, at the public expense, for a public purpose, namely, for constructing an approach road from Mattan Chhara to Rewari Khera in Rohtak District. It is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

The notification is made under the provisions of section IV of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the Officers for the time being engaged in undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within thirty days of the publication of this notification file an objection in writing before the Land Acquisition Collector, P.W.D., B. and R. Branch, Ambala.

Name of District	Name of Tehsil	Name of Village	Area in Acres	REMARKS
Rohtak	Jhajjar	Chhara	0.65	As demarcated at site.
		Rewari Khera	2.71	
			3.36	

No. 28 R(a)/107/156R.—Whereas it appears to the Governor of Haryana that land is likely to be required to be taken by the Government, at the public expense, for a public purpose, namely, for constructing an approach road from Jhajjar-Sampla Road to Gurawar in Rohtak District, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

The notification is made under the provisions of section IV of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor of Haryana is pleased to authorise the officers for the time being engaged in undertaking, with their servants and workmen, to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested who has any objection to the acquisition of any land in the locality may within thirty days of the publication of this notification file an objection in writing before the Land Acquisition Collector, P.W.D., B. & R. Branch, Ambala.

Name of District	Name of Tehsil	Name of Village	Area in acres	REMARKS
Rohtak	Jhajjar	Gurawar	2.49	As demarcated at site